



#6 DARE

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)

Docket No. P-4423D1

RECEIVED

In Re Application Of: D. J. WRIGHT ET AL.

MAR 29 2004

OFFICE OF PETITIONS

Serial No.	Filing Date	Examiner	Group Art Unit
09/778,218/68	2/7/01	B. FORMAN	1634

Invention: METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE VARIATIONS

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Response pursuant to 37 CFR§ 1.111

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

03/26/2004 CNGUYEN 00000070 021666 09778218

Adjustment date: 07/02/2004 AKELLEY 09778218
 03/26/2004 CNGUYEN 00000070 021666 09778218
 01 FC:1453 1330.00 CR
 Adjustment date: 07/02/2004 AKELLEY 09778218
 03/26/2004 CNGUYEN 00000070 021666 09778218
 02 FC:1806 182.00 CR
 07/02/2004 AKELLEY 00000004 021666 09778168
 01 FC:1453 1330.00 DA

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
P-4423D1

In Re Application Of: **D. J. WRIGHT ET AL.**

Serial No. **09/778,218**

Filing Date
2/7/01

Examiner
B. FORMAN

Group Art Unit
1634

Invention: **METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE
VARIATIONS**

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,330.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input checked="" type="checkbox"/> IDS/PTO-1449/Art | <u>\$180.00</u> |
| Total fees enclosed: | <u>\$1,510.00</u> |

The fee of **\$1,510** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **02-1666**

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
P-4423D1

In Re Application Of: **D. J. WRIGHT ET AL.**

Serial No. **168**
09/778,218

Filing Date
2/7/01

Examiner
B. FORMAN

Group Art Unit
1634

Invention: **METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC ACID SEQUENCE
VARIATIONS**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Signature

**Allan M. Kiang, Reg. No. 42,725
Becton Dickinson and Company
1 Becton Drive
Franklin Lakes, NJ 07417-1880
201-847-7111**

Dated: **March 23, 2004**

I certify that this document and fee is being deposited
on **3/23/04** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Mail Stop Petition, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450.

Kathleen Monesteri

Signature of Person Mailing Correspondence

Kathleen Monesteri

Typed or Printed Name of Person Mailing Correspondence

CC:



PATENT
P-4423D1

RECEIVED

MAR 29 2004

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): D.J. Wright et al.

SERIAL NO.: 09/778,218¹⁶⁸

GROUP: 1634

FILING DATE: February 7, 2001

EXAMINER: B. Forman

FOR: METHOD AND OLIGONUCLEOTIDES FOR DETECTING NUCLEIC
ACID SEQUENCE VARIATIONS

Commissioner of Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231	
ON: 3/23/04	(DATE OF DEPOSIT)
BY: KATHLEEN MONESTER	(NAME OF DEPOSITOR)
<i>K Monester</i>	3/23/04
(SIGNATURE)	(DATE)

PETITION FOR REVIVAL UNDER C.F.R. § 1.137(b) OF
APPLICATION FOR PATENT UNINTENTIONALLY ABANDONED

Sir:

The above-identified patent application became abandoned for failure to file a timely and proper reply to an Office Action dated July 08, 2003. Applicant respectfully submits that such failure was unintentional, and that the subsequent abandonment of the present application was likewise unintentional. Thus, applicant respectfully request revival of the present application.

APPLICANT PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Applicant hereby authorizes the Commissioner to charge the amount of \$1,300.00 for the Petition Fee required pursuant to 37 C.F.R. § 1.17(m) to Deposit Account No. 02-1666.

2. Filed herewith is a Reply to the above-noted Office Action.

3. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

4. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.37(b) was unintentional. Applicant's attorney inadvertently and unintentionally failed to file a timely and proper Reply to the Office Action. Therefore, the undersigned attorney respectfully submits that the application was unintentionally abandoned.

5. The Commissioner is hereby authorized to charge any additional fees for the filing of this Petition to the undersigned attorney's Deposit Account No. 02-1666 or credit the Deposit Account for any overpayment.

Respectfully submitted,

Dated: 3/23/04

By: 

Allan M. Kiang
Attorney for Applicant(s)
Reg. No. 42,725
(201) 847-7111